



Sen. Mike Jacobs

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09500SB0068sam002

LRB095 03854 AJ0 33429 a

1 AMENDMENT TO SENATE BILL 68

2 AMENDMENT NO. _____. Amend Senate Bill 68 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Adoption Act is amended by changing
5 Sections 6, 18.4a, and 18.5 and by adding Section 18.4b as
6 follows:

7 (750 ILCS 50/6) (from Ch. 40, par. 1508)

8 Sec. 6. A. Investigation; all cases. Within 10 days after
9 the filing of a petition for the adoption or standby adoption
10 of a child other than a related child, the court shall appoint
11 a child welfare agency approved by the Department of Children
12 and Family Services, or a person deemed competent by the court,
13 or in Cook County the Court Services Division of the Cook
14 County Department of Public Aid, or the Department of Children
15 and Family Services if the court determines that no child
16 welfare agency is available or that the petitioner is

1 financially unable to pay for the investigation, to investigate
2 accurately, fully and promptly, the allegations contained in
3 the petition; the character, reputation, health and general
4 standing in the community of the petitioners; the religious
5 faith of the petitioners and, if ascertainable, of the child
6 sought to be adopted; and whether the petitioners are proper
7 persons to adopt the child and whether the child is a proper
8 subject of adoption. The investigation shall include a review
9 of the individual health information summaries required by
10 Section 18.4b. The investigation required under this Section
11 shall include a fingerprint based criminal background check
12 with a review of fingerprints by the Illinois State Police and
13 Federal Bureau of Investigation. Each petitioner subject to
14 this investigation, shall submit his or her fingerprints to the
15 Department of State Police in the form and manner prescribed by
16 the Department of State Police. These fingerprints shall be
17 checked against the fingerprint records now and hereafter filed
18 in the Department of State Police and Federal Bureau of
19 Investigation criminal history records databases. The
20 Department of State Police shall charge a fee for conducting
21 the criminal history records check, which shall be deposited in
22 the State Police Services Fund and shall not exceed the actual
23 cost of the records check. The criminal background check
24 required by this Section shall include a listing of when, where
25 and by whom the criminal background check was prepared. The
26 criminal background check required by this Section shall not be

1 more than two years old.

2 Neither a clerk of the circuit court nor a judge may
3 require that a criminal background check or fingerprint review
4 be filed with, or at the same time as, an initial petition for
5 adoption.

6 B. Investigation; foreign-born child. In the case of a
7 child born outside the United States or a territory thereof, in
8 addition to the investigation required under subsection (A) of
9 this Section, a post-placement investigation shall be
10 conducted in accordance with the requirements of the Child Care
11 Act of 1969, the Interstate Compact on the Placement of
12 Children, and regulations of the foreign placing agency and the
13 supervising agency.

14 The requirements of a post-placement investigation shall
15 be deemed to have been satisfied if a valid final order or
16 judgment of adoption has been entered by a court of competent
17 jurisdiction in a country other than the United States or a
18 territory thereof with respect to such child and the
19 petitioners.

20 C. Report of investigation. The court shall determine
21 whether the costs of the investigation shall be charged to the
22 petitioners. The information obtained as a result of such
23 investigation shall be presented to the court in a written
24 report. The results of the criminal background check required
25 under subsection (A) shall be provided to the court for its
26 review. The court may, in its discretion, weigh the

1 significance of the results of the criminal background check
2 against the entirety of the background of the petitioners. The
3 Court, in its discretion, may accept the report of the
4 investigation previously made by a licensed child welfare
5 agency, if made within one year prior to the entry of the
6 judgment. Such report shall be treated as confidential and
7 withheld from inspection unless findings adverse to the
8 petitioners or to the child sought to be adopted are contained
9 therein, and in that event the court shall inform the
10 petitioners of the relevant portions pertaining to the adverse
11 findings. In no event shall any facts set forth in the report
12 be considered at the hearing of the proceeding, unless
13 established by competent evidence. The report shall be filed
14 with the record of the proceeding. If the file relating to the
15 proceeding is not impounded, the report shall be impounded by
16 the clerk of the court and shall be made available for
17 inspection only upon order of the court.

18 D. Related adoption. Such investigation shall not be made
19 when the petition seeks to adopt a related child or an adult
20 unless the court, in its discretion, shall so order. In such an
21 event the court may appoint a person deemed competent by the
22 court.

23 (Source: P.A. 93-418, eff. 1-1-04.)

24 (750 ILCS 50/18.4a) (from Ch. 40, par. 1522.4a)

25 Sec. 18.4a. Medical and mental health histories.

1 (a) Notwithstanding any other provision of law to the
2 contrary, to the extent currently in possession of the agency,
3 the medical and mental health histories of a child legally
4 freed for adoption and of the birth parents, with information
5 identifying the birth parents eliminated, shall be provided by
6 an agency to the child's prospective adoptive parent and shall
7 be provided upon request to an adoptive parent when a child has
8 been adopted. The medical and mental health histories shall
9 include all the following available information:

10 (1) Conditions or diseases believed to be hereditary.

11 (2) Drugs or medications taken by the child's birth
12 mother during pregnancy.

13 (3) Psychological and psychiatric information.

14 (4) Any other information that may be a factor
15 influencing the child's present or future health.

16 (b) The Department of Children and Family Services may
17 promulgate rules and regulations governing the release of
18 medical histories under this Section and the preparation of the
19 individual health information summaries required by Section
20 18.4b.

21 (Source: P.A. 91-417, eff. 1-1-00.)

22 (750 ILCS 50/18.4b new)

23 Sec. 18.4b. Individual health information summaries. In
24 any adoption action that is not an adoption that is assisted by
25 an Illinois child welfare agency or an intercounty adoption,

1 and other than when the petition seeks to adopt a related child
2 or an adult, individual health information summaries for the
3 child, birth mother, and birth father and a certified copy of
4 the adoption petition shall be filed except for good cause
5 shown with the Illinois Adoption Registry within 14 days after
6 the petition for adoption is filed. An individual health
7 information summary shall be based upon all significant
8 medical, dental, and mental health information available about
9 the person but shall not contain any information identifying
10 either birth parent.

11 (a) The child's individual health information summary
12 shall include:

13 (1) his or her general physical characteristics and
14 significant health information about the child concerning
15 any disease, disability, dental condition, chronic or
16 acute illness, allergy, hospitalization, or history of
17 alcohol or other drug abuse;

18 (2) significant health information concerning any
19 psychological or psychiatric condition, medication, or
20 treatment;

21 (3) conditions or diseases believed to be hereditary;
22 and

23 (4) any other information that may be a factor
24 influencing the child's present or future physical,
25 dental, or mental health.

26 (b) The birth mother's individual health information

1 summary shall include:

2 (1) her age and significant health information about
3 her concerning any disease, disability, dental condition,
4 chronic or acute illness, allergy, or history of alcohol or
5 other drug abuse;

6 (2) significant health information concerning any
7 psychological or psychiatric condition, medication, or
8 treatment;

9 (3) conditions or diseases believed to be hereditary;

10 (4) any other information that may be a factor
11 influencing the child's present or future physical,
12 dental, or mental health; and

13 (5) drugs or medications taken by her during the
14 child's pregnancy.

15 (c) The birth father's individual health information
16 summary shall include:

17 (1) his age and significant health information about
18 him concerning any disease, disability, dental condition,
19 chronic or acute illness, allergy, or history of alcohol or
20 other drug abuse;

21 (2) significant health information concerning any
22 psychological or psychiatric condition, medication, or
23 treatment;

24 (3) conditions or diseases believed to be hereditary;

25 and

26 (4) any other information that may be a factor

1 influencing the child's present or future physical,
2 dental, or mental health.

3 (750 ILCS 50/18.5) (from Ch. 40, par. 1522.5)

4 Sec. 18.5. Liability. No liability shall attach to the
5 State, any agency thereof, any licensed agency, any judge, any
6 officer or employee of the court, or any party or employee
7 thereof involved in the surrender of a child for adoption or in
8 an adoption proceeding for acts or efforts made or information
9 provided within the scope of Sections 18.05 thru 18.5,
10 inclusive, of this Act and under its provisions, except for
11 subsection (f) of Section 18.1.

12 (Source: P.A. 91-417, eff. 1-1-00.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."